

IN RE: PETITION FOR VARIANCE  
E/S Perry Hall Boulevard,  
1,395' N of Honeygo Boulevard  
(8241 Perry Hall Boulevard)  
15th Election District  
6th Councilmanic District

Davco Restaurants, Inc.  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-388-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 8241 Perry Hall Boulevard, located in the vicinity of White Marsh Boulevard (Maryland Route 43), adjacent to the White Marsh Mall. The Petition was filed by the owner of the property, Davco Restaurants, Inc., by Harvey Rothstein, Vice President, through their attorney, Larry Frances, Esquire. Originally, the Petitioner sought relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) freestanding advertising signs of 280 sq.ft. total in lieu of the maximum permitted 100 sq.ft. Ultimately, the request was amended and the Petitioner now seeks variance relief to permit one freestanding sign of 122 sq.ft. in lieu of the permitted 100 sq.ft. The subject property and amended relief sought are more particularly described on the site plan and sign design plan submitted which were accepted and marked into evidence as Petitioner's Exhibits 1 and 1A, respectively.

Pursuant to the Baltimore County Code and B.C.Z.R., this matter was scheduled for a public hearing on June 6, 1995. At that hearing, Chris Ewing, a representative of Davco Restaurants, Inc., appeared in support of the Petition for Variance. The Petitioner was represented by Larry Frances, Esquire, attorney for the Petitioner. There were no Protestants present. At that hearing, the Petitioner asked for a continuance of

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Date

By

MICROFILMED

the case in order to resolve an unfavorable comment from the Office of Planning and Zoning (OPZ). The hearing was subsequently reconvened on November 3, 1995, at which time Mr. Ewing and Mr. Frances again appeared on behalf of Davco Restaurants, Inc. At that time, they produced the amended sign plan (Petitioner's Exhibit 1A) which depicts the current proposal. They also indicated that the proposal, as modified, now enjoys the support of the Office of Planning and Zoning (OPZ).

The uncontradicted testimony and evidence offered revealed that the subject property consists of a net area of 1.21 acres, zoned B.M.-C.T., and is presently being developed with a Wendy's Restaurant. The relief requested concerns a freestanding sign which will be located adjacent to the White Marsh Mall loop road so as to advertise the business to the public who use that roadway. The Petitioner indicated that the variance is necessary to erect a sign compatible with other signs in the area and large enough to draw attention to the restaurant on this rather large lot. Testimony indicated that the sign as now proposed would be consistent with signs in the area and architecturally and aesthetically compatible with other business signs in the vicinity.

Based on the testimony and evidence presented, particularly as it relates to the amended sign, I am persuaded to grant the Petition for Variance. The uncontradicted testimony offered was sufficient to meet the burdens set forth in Section 307 of the B.C.Z.R. and the case law. In my view, the property is uniquely configured and oriented so as to justify the proposed sign. A smaller sign would not be practical, based on the size of the property and its orientation towards traffic on the White Marsh Mall loop road. It is also to be noted that the Developers Plans Review division offered a Zoning Plans Advisory Committee (ZAC) comment

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Date


By

regarding the proposed location of the sign. It seems that the sign will be located in a drainage and utility easement. Apparently, the Petitioner has agreed to enter into a hold harmless agreement with Baltimore County in the event the County needs to undertake maintenance in that easement area. Successful negotiation and execution of such an agreement will be a condition precedent to the relief granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of December, 1995 that the Petition for Variance seeking relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one freestanding sign of 122 sq.ft. in lieu of the permitted 100 sq.ft., in accordance with Petitioner's Exhibits 1 and 1A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall negotiate and execute a hold harmless agreement with the Baltimore County Department of Public Works relating to the location of the proposed sign in the drainage and utility easement. The Petitioner shall obtain approval from that Department for the location of the sign where proposed.
- 3) When applying for the sign permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 11/30/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 30, 1995

Larry Frances, Esquire  
Mulrenin & Hubbard  
2661 Riva Road, Suite 1001  
Annapolis, Maryland 21401

RE: PETITION FOR VARIANCE  
E/S Perry Hall Boulevard, 1,395' N of Honeygo Boulevard  
(8241 Perry Hall Boulevard)  
15th Election District - 6th Councilmanic District  
Davco Restaurants, Inc. - Petitioner  
Case No. 95-388-A

Dear Mr. Frances:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Chris Ewing, Davco Restaurants, Inc.  
1657 Crofton Boulevard, Crofton, Md. 21114

People's Counsel

File ✓

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382



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8241 Perry Hall Boulevard  
which is presently zoned BM-CT

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.2 F To permit 2 Freestanding advertising signs with a total area of 230 square ft. in lieu of the maximum permitted 100 sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Signage allotted includes brick surrounding as overall square footage. We would prefer not to have the brick but have been forced to do so by the Rouse Company's architectural review committee.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Larry Frances  
(Type or Print Name)

Signature

Mulrenin & Hubbard, P.A.

2661 Riva Road Suite 1001 410-573-5005

Address

Phone No.

Annapolis

MD

21401

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Dauco Restaurants, Inc.

Harvey Rothstein (Vice Pres)  
(Type or Print Name)

Signature

(Type or Print Name)

Signature

1657 Crofton Blvd. 410-721-3770  
Address Phone No

Crofton MD 21114  
City State Zipcode

Name, Address and phone number of representative to be contacted.

Chris Ewing  
Name

1657 Crofton Blvd. 410-721-3770  
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_



Printed with Soybean Ink  
on Recycled Paper

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

382  
95-388-A

**Description**

**To Accompany Petition for Zoning Variances**

**1.206 Acre Parcel**

**East Side of Perry Hall Boulevard**

**South of White Marsh Boulevard**

**North of Honeygo Boulevard**

**Fourteenth Election District, Baltimore County, Maryland**



**Daft McCune Walker, Inc.**

*200 East Pennsylvania Avenue*

*Towson, Maryland 21286*

*410 296 3333*

*Fax 296 4705*

*A Team of Land Planners,*

*Landscape Architects,*

*Engineers, Surveyors &*

*Environmental Professionals*

Beginning for the same on the east side of Perry Hall Boulevard, variable width right-of-way, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Honeygo Boulevard with the centerline of Perry Hall Boulevard, (1) Northeasterly along said centerline of Perry Hall Boulevard 1395 feet, more or less, and thence (2) Southeasterly 65 feet, more or less, to the point of beginning, thence leaving said beginning point and running and binding on said easterly side of Perry Hall Boulevard, the two following courses and distances, viz: (1) North 22 degrees 10 minutes 13 seconds East 103.29 feet, and thence (2) North 07 degrees 39 minutes 59 seconds East 174.00 feet, thence leaving the east side of Perry Hall Boulevard and running the seven following courses and distances, viz: (3) South 82 degrees 20 minutes 01 second East 42.00 feet, thence (4) South 07 degrees 39 minutes 59 seconds West 32.27 feet, thence (5) South 82 degrees 20 minutes 01 second East 192.00 feet, thence (6) South 37 degrees 20 minutes 45 seconds East 72.62 feet, thence (7) South 52 degrees 39 minutes 15 seconds West 163.45 feet, thence (8) Southwesterly by a line curving to the left with a radius of 535.00 feet for a distance of 97.42 feet (the arc of said curve being subtended by a chord bearing South 47

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95-388-A

degrees 26 minutes 17 seconds West 97.28 feet, and having a beginning tangent bearing of South 52 degrees 39 minutes 15 seconds West and a departing tangent bearing of South 42 degrees 13 minutes 18 seconds West), and thence (9) South 82 degrees 20 minutes 47 seconds East 133.45 feet to the point of beginning; containing 1.206 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 7, 1995

Project No. 93017.C2 (L93017C2)



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-388-17

District 15th Date of Posting 5/13/85

Posted for: Variances

Petitioner: Dalco Restaurants, Inc.

Location of property: 8841 Perry Hall Blvd.

Location of Signs: Facing road way on property being zoned.

Remarks: \_\_\_\_\_

Posted by M. Thaly Date of return: 5/19/85  
Signature

Number of Signs: 1



APR 15 1985



# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-388-A  
(Item 382)

8241 Perry Hall Boulevard  
White Marsh, Lot 1K  
E/S Perry Hall Boulevard,  
1398' N of Honeygo Boulevard.

15th Election District  
6th Councilmanic

Legal Owner(s):

- Davco Restaurants, Inc.

Hearing: Tuesday,

June 6, 1995 at 9:00 a.m.

In Rm. 118, Old  
Courthouse.

Variance to permit 2 free-standing advertising signs with a total area of 230 square feet in lieu of the maximum permitted 100 square feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

5/118 May 11.

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 12, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 11, 1995.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21201

receipt

95-388-A

Account: R-001-6150

Number 382

By JLL

Date

4/27/95

1 NOV RES VAR Code 020 250.00

1 SIGN POSTING CODE 080 35.00

\$ 285.00

8000 CASH TO BLDG

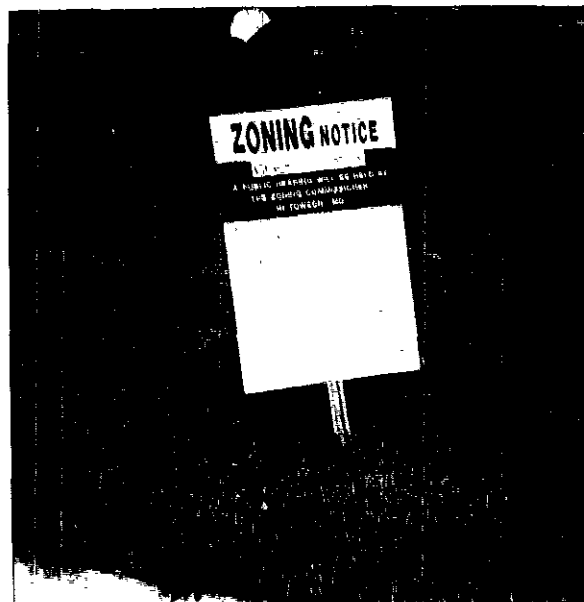
DAVCO RESTAURANTS INC  
8241 PERRY HALL BLVD.

250. CHECK \$ 35 CASH  
PAID BY CHRIS EWING

65-0000000000000000  
65-0000000000000000

Please Make Checks Payable To: Baltimore County

Cashier Validation



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111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 382

Petitioner: Davco Restaurants, Inc.

Location: 8241 Perry Hall Blvd. White Marsh

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Davco Restaurants, Inc.

ADDRESS: 1657 Crofton Blvd.

Crofton, MD 21114

PHONE NUMBER: 410-721-3770

AJ:ggg

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY  
May 11, 1995 Issue - Jeffersonian

Please forward billing to:

Davco Restaurants, Inc.  
Chris Ewing  
1657 Crofton Boulevard  
Crofton, MD 21114  
721-3770

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-388-A (Item 382)  
8241 Perry Hall Boulevard  
White Marsh, Lot 1K  
E/S Perry Hall Boulevard, 1395' N of Honeygo Boulevard  
15th Election District - 6th Councilmanic  
Legal Owner(s): Davco Restaurants, Inc.  
HEARING: TUESDAY, JUNE 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit 2 free-standing advertising signs with a total area of 230 square feet in lieu of the maximum permitted 100 square feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

*Microfilm*



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

PLEASE NOTE HEARING DATE CHANGE

October 23, 1995

NOTICE OF REASSIGNMENT

Continued from 6/6/95

CASE NUMBER: 95-388-A (Item 382)

8241 Perry Hall Boulevard

White Marsh, Lot 1K

E/S Perry Hall Boulevard, 1395' N of Honeygo Boulevard

15th Election District - 6th Councilmanic

Legal Owner(s): Davco Restaurants, Inc.

Variance to permit 2 free-standing advertising signs with a total area  
of 230 square feet in lieu of the maximum permitted 100 square feet.

HEARING: FRIDAY, NOVEMBER 3, 1995 at 10:00 a.m. in Room 118, Old  
Courthouse, 400 Washington Avenue, Towson MD 21204

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Davco Restaurants, Inc.  
Larry Frances, Esq.  
Jeff Long

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 1, 1995

Mr. Harvey Rothstein  
Davco Restaurants, Inc.  
1657 Crofton Blvd.  
Crofton, Maryland 21114

RE: Item No.: 382  
Case No.: 95-388-A  
Petitioner: H. Rothstein, et al

Dear Mr. Rothstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

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BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director           DATE: May 22, 1995  
Zoning Administration and Development Management

FROM: *FWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 15, 1995  
Item No. 382

The Developers Engineering Section has reviewed the subject zoning item. As shown on the plan, the proposed sign is located in an existing 50-foot wide drainage and utility easement. Within this easement is an 84-inch drain pipe and its headwall. The proposed sign, as shown, conflicts with the existing headwall.

Baltimore County Policy prohibits the construction of a permanent structure within an existing drainage and utility easement.

RWB:sw

100-100-100



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: May 10, 1995

SUBJECT: 8241 Perry Hall Boulevard

INFORMATION:

Item Number: 382

Petitioner: Davco Restaurants, Inc.

Property Size: \_\_\_\_\_

Zoning: BM-CT

Requested Action: Variance

Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance to permit two freestanding signs with a total area of 230 sq. ft. in lieu of 100 sq. ft.

Based upon a review of the information provided and a site inspection, staff recommends that the applicant's request be denied for the reasons as follows:

It is clear that the petitioner, Davco Restaurants, Inc. has applied for the Variance because they have been "forced to do so by the Rouse Company's architectural review committee."

Providing brick to surround the sign would only make the sign appear to be larger and such treatment would be out of character with the high quality existing signage treatment in the White Marsh Town Center.

Staff suggests that the applicant consider treating the existing sign with a brick base incorporated with landscaping. There are several examples of signs such as this throughout the White Marsh Town Center.

Prepared by: Jeffrey W. Long

Division Chief: Edy Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/16/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 5/8/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 378  
379  
380  
381  
382  
385  
386  
389  
391  
④

LS:sp

LETTY2/DEPRM/TXTSBP

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Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

5-9-96

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 382 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

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BALTIMORE COUNTY, MARYLAND  
Inter-office Correspondence

TO: Memo to the file

FROM: Lawrence E. Schmidt  
Zoning Commissioner

SUBJECT: Case No. 95-388-A

DATE: June 7, 1995

This case was scheduled for hearing on June 6, 1995 at 9:00 A.M. At that time, Larry Frances, Esquire appeared on behalf of the Petitioner, as did Chris Ewing from Davco Restaurants, Inc. That corporation is the holding company for Wendy's Restaurants. Counsel indicated, at that time, that they had just received copies of the ZAC comments and had just become aware of the adverse comments/concerns from the Office of Planning and Zoning and Developers Engineering. They asked for a continuance of the case in an attempt to contact Bob Bowling and Jeff Long to work out the issues.

No one appeared in opposition. Thus, I began the case on the record and continued same. It will not be necessary to repost and readvertise the property since the hearing was begun, and has been continued, and not technically postponed.

I advised the Petitioner that they should contact this office when they had reached resolution of the issues with OPZ and Developers Engineering. At that time, we will reset the date for a continued hearing.

LES:mmm

cc: Gwen Stephens  
P.S. to Gwen:

We will hold the file in our office until we hear from Petitioner's attorney.

*Call Mr. Frances  
9/19/95  
letter will follow  
on status of this case*

**PETITION PROBLEMS  
AGENDA OF MAY 8, 1995**

**#380 --- JCM**

1. Need typed or printed name of person signing for legal owner.
2. Need attorney (company is incorporated).
3. No existing zoning on folder.
4. No area on folder.
5. No election district on folder.
6. No councilmanic district on folder.

**#381 --- MJK**

1. No signature on petition forms for Donald E. Grempler (legal owner).

**#382 --- JLL**

1. Need attorney (company is incorporated).

**#383 --- JLL**

1. No item number on petition forms

**#384 --- JCM**

1. Who is legal owner?? William McMillan, Jr. is trustee for who?
2. Need authorization for Mr. McMillan to sign for legal owner.

**#385 --- CAM**

1. No telephone number for legal owner.

**#386 --- CAM**

1. Need authorization for Margaret Ruggieri to sign for contract purchaser.

**#387 --- RT**

1. No telephone number for legal owner.

**#489 --- JJS**

1. Need typed or printed name of person signing for legal owner.

RE: PETITION FOR VARIANCE  
8241 Perry Hall Boulevard (White Marsh,  
Lot 1K), E/S Perry Hall Blvd. 1395' N of  
Honeygo Boulevard, 15th Election Dist.,  
6th Councilmanic

Davco Restaurants, Inc.  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY

\* CASE NO. 95-388-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31<sup>st</sup> day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Chris Ewing, Davco Restaurants, Inc., 1657 Crofton Blvd., Crofton, MD 21114, representative for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

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H.O.

There is an additional (50 sq. ft area)  
single faced menu board sign (freestanding)  
that is not shown in detail. The applicant  
was advised that this was also a F.S. adv-  
ertising sign which must be included in the 100  
sq ft max total. This was done in the petition  
wording. I advised presentation of the detail  
of this ~~sign~~ sign as part of the case.

J.H.

4/27/95

Also.

App is Inc. Advised an  
Attny is required to represent at hearing.  
They have not selected one  
at this time.

Chris Curing  
4/27/95

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- Case won't  
To be Re-set at  
Request



Attorneys at Law  
**MULRENIN & HUBBARD, P.A.**

THOMAS J. MULRENIN  
CHRISTINE W. HUBBARD  
LARRY J. FRANCES

2661 Riva Road  
Suite 1001  
Annapolis, Maryland 21401

(410) 573-5005  
(301) 261-8148  
Fax: (410) 224-6539

Writer's Direct Dial Number:  
410-573-2484

October 2, 1995

**VIA FACSIMILE AND U.S. MAIL**

Honorable Lawrence E. Schmidt  
Baltimore County Zoning Commissioner's Office  
400 Washington Avenue  
Room 112  
Towson, Maryland 21204

Re: DavCo/Wendy's  
White Marsh, MD - Lot 1K  
Continuation of sign variance hearing  
Case No. 95-388-A (Item 382)

Dear Commissioner Schmidt:

DavCo Restaurants, Inc., t/a Wendy's Restaurants, and The Rouse Company have finally agreed upon a sign design for the above referenced site. Mr. Jeff Long of the planning department has approved this design. Therefore, we request you please schedule a continuation of the above referenced hearing. If possible, because of the religious holidays and other prior commitments, DavCo respectfully requests a hearing date late October or early November.

We apologize for the length of time it has taken us to work this issue out and to schedule this continuation. If you have any questions or comments, please do not hesitate to call. Thank you.

Sincerely,



Larry J. Frances

cc: Mr. Chris Ewing

Attorneys at Law  
**MULRENIN & HUBBARD, P.A.**

THOMAS J. MULRENIN  
CHRISTINE W. HUBBARD  
LARRY J. FRANCIS

2661 Riva Road  
Suite 1001  
Annapolis, Maryland 21401

(410) 573-5005  
(301) 261-8148  
Fax: (410) 224-6539

Writer's Direct Dial Number  
410 573-2484

October 2, 1995

VIA FACSIMILE AND U.S. MAIL

Honorable Lawrence E. Schmidt  
Baltimore County Zoning Commissioner's Office  
400 Washington Avenue  
Room 112  
Towson, Maryland 21204

Re: DavCo/Wendy's  
White Marsh, MD - Lot 1K  
Continuation of sign variance hearing  
Case No. 95-388-A (Item 382)

Dear Commissioner Schmidt:

DavCo Restaurants, Inc., da Wendy's Restaurants, and The Rouse Company have finally agreed upon a sign design for the above referenced site. Mr. Jeff Long of the planning department has approved this design. Therefore, we request you please schedule a continuation of the above referenced hearing. If possible, because of the religious holidays and other prior commitments, DavCo respectfully requests a hearing date late October or early November.

We apologize for the length of time it has taken us to work this issue out and to schedule this continuation. If you have any questions or comments, please do not hesitate to call. Thank you.

Sincerely,



Larry J. Francis

cc: Mr. Chris Ewing

*Mr. Ash  
Given to  
reset  
as requested  
above*

**MICROFILMED**

# Mulrenin & Hubbard, P.A.

2661 Riva Rd. Suite 1001

Annapolis, MD 21401

(410) 573-5005

Fax: (410) 224-6539

## FAX TRANSMISSION COVER SHEET

To: Mr. Lawrence Schmitt

Sender: Larry Schmitt

Fax: 410-224-6539

Phone: 410-573-5005

Re: Deborah Schmitt, et al. vs. [illegible]

Date: 10/2/95

CC: \_\_\_\_\_

Fax: \_\_\_\_\_

CC: \_\_\_\_\_

Fax: \_\_\_\_\_

CC: \_\_\_\_\_

Fax: \_\_\_\_\_

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (410) 573-5005.

Message: Original via mail

The information contained in this facsimile message is confidential and may be protected by attorney-client privilege. Its contents are intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, it is not to be distributed, retransmitted, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us in an appropriate manner via the U.S. Postal Service. Thank You.

Attorneys at Law  
**MULRENIN & HUBBARD, P.A.**

2661 Riva Road  
Suite 1001  
Annapolis, Maryland 21401

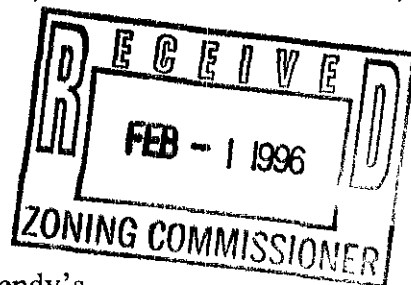
THOMAS J. MULRENIN  
CHRISTINE W. HUBBARD  
LARRY J. FRANCES

(410) 573-5005  
(301) 261-8148  
Fax: (410) 224-6539

Writer's Direct Dial Number:  
410-573-2484

January 31, 1996

Mr. Charles R. Olsen  
Director of Public Works  
Baltimore County Public Works Department  
111 West Chesapeake Avenue  
County Office Building - Room 307  
Towson, Maryland 21204



Re: DavCo/Wendy's  
White Marsh, MD - Lot 1K  
Case No. 95-388-A (Item 382)

Dear Mr. Olsen:

Enclosed please find an Indemnification Agreement between DavCo Restaurants, Inc. (d/b/a Wendy's at White Marsh Mall) and Baltimore County, Maryland. If you recall, execution of the enclosed Agreement is a condition of the approval of a sign variance by the Zoning Commissioner, allowing DavCo to increase its signage area pursuant to certain aesthetic requirements of the Mall owner, The Rouse Company. The is required because the sign is located in an utility easement area.

Please review the enclosed as soon as possible and call me with any comments or questions you may have. By copy of this letter, I have forwarded the enclosed to Mr. Bob Bowling, Mr. Stanley J. Schapiro and Mr. Dave Thomas (to forward to the County Attorney) for their review and comment as well. Please be advised, the Agreement was based on a form provided to me by Mr. Dennis Maloney of Land Acquisition.

I look forward to hearing from you, and hope to finalize this Agreement as soon as possible. Thank you.

Sincerely,

Larry J. Frances

cc: ~~Mr.~~ Chris Ewing  
Hon. Lawrence Schmidt, Zoning Commissioner's Office  
Mr. Dennis Maloney  
Mr. Bob Bowling  
Mr. Stanley J. Schapiro  
Mr. Dave Thomas w/note: Mr. Thomas, please forward a copy of the enclosed to the County Attorney. Thank you.

MICROFILM

## INDEMNIFICATION AGREEMENT

THIS INDEMNIFICATION AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, in the year 1996, by and between DAVCO RESTAURANTS, INC., a Delaware corporation, its successors and assigns (the "Indemnitor") and BALTIMORE COUNTY, MARYLAND, a body corporate and politic (the "Indemnitee").

WHEREAS, pursuant to a certain deed dated November 23, 1994 and recorded in Liber S.M. No. 10847, folio 239, certain real property was conveyed to Indemnitor from White Marsh Mall Associates and White Marsh Phase II Associates, which real property is more particularly described in Exhibit A attached hereto and specifically made a part hereof and identified as Parcel I on Exhibit B attached hereto and specifically made a part hereof ("Parcel I"); and

WHEREAS, Parcel I was conveyed to Indemnitor subject to an existing drainage and utility easement (the "Existing Easement") for the benefit of Indemnitee, as shown and identified as Existing Easement on Exhibit B; and

WHEREAS, the Indemnitee has placed public facilities, including, without limitation, storm drains, headwalls and culverts (the "Public Facilities") within the Existing Easement as shown on Exhibit B; and

WHEREAS, pursuant to a letter dated November 30, 1995, from Mr. Charles R. Olsen, Director, Baltimore County Department of Public Works and a favorable ruling and order by the Honorable Lawrence E. Schmidt, Zoning Commissioner for Baltimore County, in that certain Petition of Variance, Case No. 95-388-A, dated December 30, 1995, Indemnitor is permitted to construct a free standing monument sign ("Indemnitor's Improvements") within the Existing Easement in the location shown on Exhibit B, conditioned upon Indemnitor executing a "hold harmless agreement" (as set forth on page 3 of the Petition of Variance) with the Department of Public Works of Indemnitee ("Condition 2 of the Order"); and

WHEREAS, execution of this Agreement by Indemnitee and Indemnitor hereby satisfies Condition 2 of the Order.

NOW, THEREFORE, in consideration of the mutual promises, conditions, and covenants herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged by both parties, the Indemnitor and Indemnitee hereby agree to the following terms and conditions of this Agreement.

1. Indemnitor and its successors and assigns shall: Save, defend, indemnify, and hold harmless the Indemnitee and any and all of its duly authorized agencies having direct and necessary jurisdiction and authority concerning the Public Facilities (all of whom or which are heretofore and hereafter included in the term Indemnitee) against any and all claims, losses, penalties, fines, forfeitures, reasonable attorneys' fees, judgments, amounts paid in settlement and related litigation costs, fees and expenses which result from: (a) Indemnitor's use of the Existing Easement for the placement and maintenance of Indemnitor's Improvements, except

for any action taken as a result of Indemnitee's gross negligence or willful misconduct; and (b) damage to or the destruction of Indemnitor's Improvements, except for any action taken as a result of Indemnitee's gross negligence or willful misconduct.

2. The provisions of Section 1 of this Agreement are strictly contingent upon the Indemnitee giving written notice of any claims to Indemnitor within twenty (20) days of Indemnitee's receipt of notice or knowledge of same together with copies of any and all correspondence, documents, or pleadings received by Indemnitee. Notice to Indemnitor shall be sent via certified mail or receipted overnight courier to Indemnitor to the attention of DavCo Restaurants, Inc., Attn: Real Estate Department, 1657 Crofton Boulevard, Crofton, Maryland 21114.
3. The Indemnitor shall have the right, subject to reasonable approval of the Indemnitee, to select all attorneys, engineers, consultants and/or experts necessary to comply with the provisions of Section 1 of this Agreement.
4. The terms, conditions, and covenants of this Agreement are intended to be covenants that run with and bind Parcel I and are intended to be binding upon the Indemnitor, its successors and assigns in title to Parcel I, for so long as Indemnitor, its successors or assigns maintains Indemnitor's Improvements within the Existing Easement.
5. This Agreement represents the complete understanding between the parties hereto and supersedes any and all prior negotiations, representations or agreements, either written or oral, as to the matters described herein. This Agreement may be amended only by a written instrument signed by both parties or their successors and assigns. No requirement, obligation, remedy or provision of this Agreement shall be deemed to have been waived, unless so waived expressly in writing, and any such waiver of any such provision shall not be considered a waiver of any right to enforce such provision thereafter.
6. Time shall be considered of the essence of this Agreement. The Indemnitor acknowledges that no warranty or guarantee is given as to the lapse of time that will occur between the Indemnitor's execution and the execution by the County Executive of Baltimore County for Indemnitee.
7. No determination by any court, governmental or administrative body or agency, or otherwise, that any provision of this Agreement or amendment hereof, is invalid or unenforceable in any instance, shall affect the validity or enforceability of (i) any other provision of this Agreement or of such Amendment, or (ii) such provision in any other instance or circumstance which is not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by law, and shall be construed wherever possible as being consistent with applicable law.
8. This Agreement shall be governed by the laws of the State of Maryland.

IN WITNESS WHEREFOR, Indemnitor and Indemnatee have caused this Agreement to be duly executed by their respective representatives and officers thereunto duly authorized and empowered and to be delivered as of the date first above written.

WITNESS/ATTEST

INDEMNITOR

DAVCO RESTAURANTS, INC.,  
a Delaware corporation

\_\_\_\_\_  
Harvey Rothstein  
Executive Vice President

INDEMNITEE

BALTIMORE COUNTY, MARYLAND

\_\_\_\_\_  
C. Dutch Ruppertsburger  
County Executive

This is to certify that the within instrument was prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

\_\_\_\_\_  
Larry J. Frances  
Attorney at Law

APPROVED as to form and legal sufficiency  
this \_\_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_  
By: \_\_\_\_\_  
County Attorney

STATE OF \_\_\_\_\_ )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared Harvey Rothstein, who acknowledged himself to be the Executive Vice President of DavCo Restaurants, Inc., a Delaware corporation, and that as such Executive Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Executive Vice President.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, before me, \_\_\_\_\_, the undersigned, personally appeared C. Dutch Ruppertsburger, who acknowledged himself to be the County Executive of Baltimore County, Maryland, and being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Baltimore County by himself as County Executive.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CHRIS EWING (DAVCO REST.)

1657 CROFTON BLVD CROFTON

Larry Frances, Esq. (Davco Rest)

2661 Riva Road, Suite 1001, Annapolis MD 21401



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

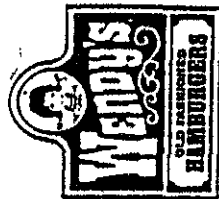
NAME

ADDRESS

Larry Frances counsel for DavCo  
Chris Ewing Davco Restaurants

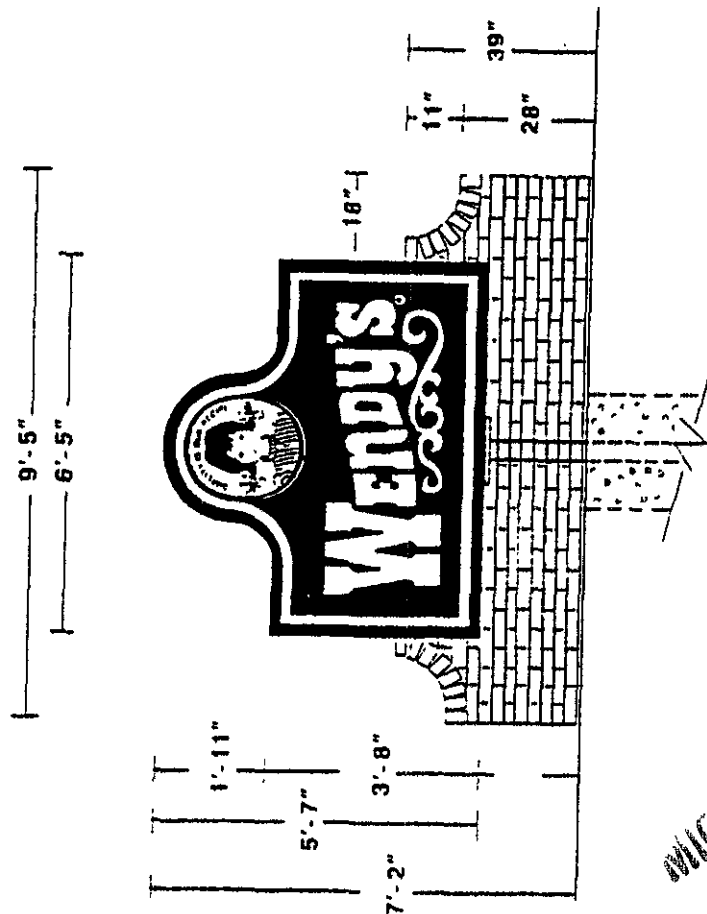
2661 Riva Road Suite 1001 Annapolis 21401  
1657 Crofton Blvd. Crofton 21114





Y L O N S

## WM-25 Pylon Sign



### DESCRIPTION:

An illuminated double face monument sign.

### SIZE:

5'-7" high x 6'-5" wide.

### FACES:

2" deep pan formed polycarbonate plastic, with embossed copy. Hinged for servicing.

### GRAPHICS:

White letters on an illuminated red background, with a black scroll. Cameo of Wendy has red hair with blue hair ribbons, a blue and white striped dress on a white background with a black border. Entire sign surrounded by a yellow bevel and flange.

### CABINET:

10" wide aluminum extrusion with aluminum retainers both with a painted dark bronze finish.

### ILLUMINATION/ELECTRICAL:

High output fluorescent lighting. Requires 1-15 amp circuit at 110 volts at 60 hertz. Total amperage ~ 4.4 amps

### MOUNTING INSTRUCTIONS:

Match plate provided. Customer must put sign on 4" pipe mounted in concrete, then install brick.

MICROFILMED

**PETITIONER'S  
EXHIBIT NO. 1A**



# MENUS

## Outdoor Burgundy Menu One-piece Cover Door



### DESCRIPTION:

An illuminated four panel exterior menu sign, with copy strips and price system.

### SIZE:

- EACH FACE: 40" high x 21-5/16" wide.
- COMPLETE SIGN: 54" high x 86" wide.

### FACES:

Silk screened burgundy background on matte acrylic plastic. Faces are retained in aluminum extrusion. Cover door face is polycarbonate plastic with protective marguard finish.

### LETTERING/BACKGROUND:

Screen printed.

- HEADERS: Clear copy on burgundy background with orange back up strips
- ITEMS: Clear copy on burgundy background with white back up strips
- PRICES: Clear copy on burgundy background with white back up price system

### CABINET:

Extruded aluminum cabinet with smooth metal back, dark bronze finish.

### ILLUMINATION/ELECTRICAL:

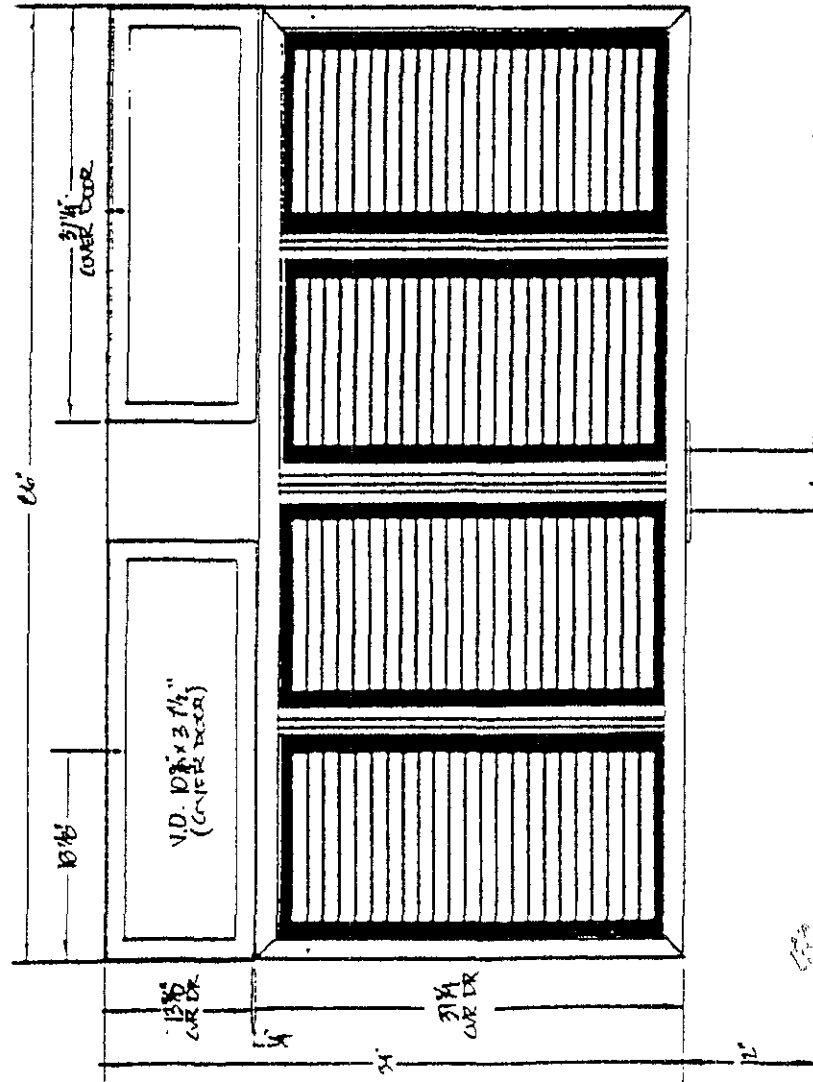
High output fluorescent lighting. Requires 1-15 amp circuit at 60 hertz. Total amperage 4.6 amps.

### MOUNTING INSTRUCTIONS:

Mounting base: fabricated steel structure which bolts to back of sign. The base is to be anchor bolted (4 required) to concrete foundation.

### FOUNDATION REQUIREMENTS:

CONCRETE BASE: 24" x 24" x 48" deep. (Foundation specs subject to local soil conditions and code requirements.)









IN RE: PETITION FOR VARIANCE  
8241 Perry Hall Boulevard,  
1,395' N of Honeygo Boulevard  
(8241 Perry Hall Boulevard)  
15th Election District  
6th Councilmanic District  
Davco Restaurants, Inc.  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-388-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 8241 Perry Hall Boulevard, located in the vicinity of White Marsh Boulevard (Maryland Route 43), adjacent to the White Marsh Mall. The Petition was filed by the owner of the property, Davco Restaurants, Inc., by Harvey Rothstein, Vice President, through their attorney, Larry Frances, Esquire. Originally, the Petitioner sought relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) freestanding advertising signs of 280 sq.ft. total in lieu of the maximum permitted 100 sq.ft. Ultimately, the request was amended and the Petitioner now seeks variance relief to permit one freestanding sign of 122 sq.ft. in lieu of the permitted 100 sq.ft. The subject property and amended relief sought are more particularly described on the site plan and sign design plan submitted which were accepted and marked into evidence as Petitioner's Exhibits 1 and 1A, respectively.

Pursuant to the Baltimore County Code and B.C.Z.R., this matter was scheduled for a public hearing on June 6, 1995. At that hearing, Chris Ewing, a representative of Davco Restaurants, Inc., appeared in support of the Petition for Variance. The Petitioner was represented by Larry Frances, Esquire, attorney for the Petitioner. There were no Protes-tants present. At that hearing, the Petitioner asked for a continuance of

the case in order to resolve an unfavorable comment from the Office of Planning and Zoning (OPZ). The hearing was subsequently reconvened on November 3, 1995, at which time Mr. Ewing and Mr. Frances again appeared on behalf of Davco Restaurants, Inc. At that time, they produced the amended sign plan (Petitioner's Exhibit 1A) which depicts the current proposal. They also indicated that the proposal, as modified, now enjoys the support of the Office of Planning and Zoning (OPZ).

The uncontradicted testimony and evidence offered revealed that the subject property consists of a net area of 1.21 acres, zoned B.M.-C.T., and is presently being developed with a Wendy's Restaurant. The relief requested concerns a freestanding sign which will be located adjacent to the White Marsh Mall loop road so as to advertise the business to the public who use that roadway. The Petitioner indicated that the variance is necessary to erect a sign compatible with other signs in the area and large enough to draw attention to the restaurant on this rather large lot. Testimony indicated that the sign as now proposed would be consistent with signs in the area and architecturally and aesthetically compatible with other business signs in the vicinity.

Based on the testimony and evidence presented, particularly as it relates to the amended sign, I am persuaded to grant the Petition for Variance. The uncontradicted testimony offered was sufficient to meet the burdens set forth in Section 307 of the B.C.Z.R. and the case law. In my view, the property is uniquely configured and oriented so as to justify the proposed sign. A smaller sign would not be practical, based on the size of the property and its orientation towards traffic on the White Marsh Mall loop road. It is also to be noted that the Developers Plans Review division offered a Zoning Plans Advisory Committee (ZAC) comment

regarding the proposed location of the sign. It seems that the sign will be located in a drainage and utility easement. Apparently, the Petitioner has agreed to enter into a hold harmless agreement with Baltimore County in the event the County needs to undertake maintenance in that easement area. Successful negotiation and execution of such an agreement will be a condition precedent to the relief granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the variance requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of December, 1995 that the Petition for Variance seeking relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one freestanding sign of 122 sq.ft. in lieu of the permitted 100 sq.ft., in accordance with Petitioner's Exhibits 1 and 1A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall negotiate and execute a hold harmless agreement with the Baltimore County Department of Public Works relating to the location of the proposed sign in the drainage and utility easement. The Petitioner shall obtain approval from that Department for the location of the sign where proposed.
- 3) When applying for the sign permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 30, 1995

Larry Frances, Esquire  
Mulrenin & Hubbard  
2661 Riva Road, Suite 1001  
Annapolis, Maryland 21401

RE: PETITION FOR VARIANCE  
8241 Perry Hall Boulevard,  
1,395' N of Honeygo Boulevard  
(8241 Perry Hall Boulevard)  
15th Election District - 6th Councilmanic District  
Davco Restaurants, Inc. - Petitioner  
Case No. 95-388-A

Dear Mr. Frances:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Chris Ewing, Davco Restaurants, Inc.  
1657 Crofton Boulevard, Crofton, Md. 21114

People's Counsel

File ✓

Printed with Soyless Ink  
on Recycled Paper



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8241 Perry Hall Boulevard  
which is presently zoned B.M.-C.T.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.2.F To permit 2 Freestanding advertising signs with a total area of 230 square ft. in lieu of the maximum permitted 100 sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Signage allotted includes brick surrounding as overall square footage. We would prefer not to have the brick but have been forced to do so by the Rouse Company's architectural review committee.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

ESTIMATED LENGTH OF HEARING

the following date

ALL

OTHER

DATE

Who do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Davco Restaurants, Inc.

Harvey Rothstein (Vice Pres.)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Description

To Accompany Petition for Zoning Variances

1.206 Acre Parcel

East Side of Perry Hall Boulevard

South of White Marsh Boulevard

North of Honeygo Boulevard

Fourteenth Election District, Baltimore County, Maryland

**DMW**

Draft McKean-Wallace, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the east side of Perry Hall Boulevard, variable

width right-of-way, at the end of the second of the two following courses and

distances measured from the point formed by the intersection of the centerline of

Honeygo Boulevard with the centerline of Perry Hall Boulevard, (1) Northeasterly

along said centerline of Perry Hall Boulevard 1395 feet, more or less, and thence (2)

Southeasterly 65 feet, more or less, to the point of beginning, thence leaving said

beginning point and running and binding on said easterly side of Perry Hall

Boulevard, the two following courses and distances, viz: (1) North 22 degrees 10

minutes 13 seconds East 103.29 feet, and thence (2) North 07 degrees 39 minutes 59

seconds East 174.00 feet, thence leaving the east side of Perry Hall Boulevard and

running the seven following courses and distances, viz: (3) South 82 degrees 20

minutes 01 second East 42.00 feet, thence (4) South 07 degrees 39 minutes 59

seconds West 32.27 feet, thence (5) South 82 degrees 20 minutes 01 second East

192.00 feet, thence (6) South 37 degrees 20 minutes 45 seconds East 72.62 feet, thence

(7) South 52 degrees 39 minutes 15 seconds West 163.45 feet, thence (8)

Southwesterly by a line curving to the left with a radius of 535.00 feet for a distance

of 97.42 feet (the arc of said curve being subtended by a chord bearing South 47

degrees 26 minutes 17 seconds West 97.28 feet, and having a beginning tangent

bearing of South 52 degrees 39 minutes 15 seconds West and a departing tangent

bearing of South 42 degrees 13 minutes 18 seconds West), and thence (9) South 82

degrees 20 minutes 47 seconds East 133.45 feet to the point of beginning; containing

1.206 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES

ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 7, 1995

Project No. 93017.C2 (L93017C2)



### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14th Date of Posting: 5/13/95

Posted for: Variances

Petitioner: Davco Restaurants, Inc.

Location of property: 8241 Perry Hall Blvd.

Location of Signs: Facing road on property being zoned

Remarks:

Posted by: Matthew Signature Date of return: 5/19/95

Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD., May 12, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 11, 1995.

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON



receipt  
95-388-A  
Account: R0716150  
Number 382  
B/JVL  
Date 4/27/95  
1 MIN RES VAR Code 020 250.00  
1 SIGN POSTING Code 080 35.00  
\$ 285.00  
DANCO RESTAURANTS INC. 250.00  
8241 PERRY HALL BLVD.  
Please Make Checks Payable To Baltimore County  
Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES  
Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.  
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.  
PAYMENT WILL BE MADE AS FOLLOWS:  
1) Posting fees will be assessed and paid to this office at the time of filing.  
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.  
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.  
Arnold Jablon, Director  
For newspaper advertising:  
Item No.: 382  
Petitioner: Danco Restaurants, Inc.  
Location: 8241 Perry Hall Blvd. White Marsh  
PLEASE FORWARD BILL TO:  
NAME: Danco Restaurants, Inc.  
ADDRESS: 1657 Crofton Blvd.  
Crofton, MD 21114  
PHONE NUMBER: 410-721-3770  
Ad:ggg (Revised 04/09/93)

TO: POTOMAC PUBLISHING COMPANY  
May 11, 1995 Issue - Jeffersonian  
Please forward billing to:  
Danco Restaurants, Inc.  
Chris Dwing  
1657 Crofton Boulevard  
Crofton, MD 21114  
721-3770  
NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
CASE NUMBER: 95-388-A (Item 382)  
8241 Perry Hall Boulevard  
White Marsh, Lot 1K  
E/S Perry Hall Boulevard, 1395' N of Honeygo Boulevard  
15th Election District - 6th Councilmanic  
Legal Owner(s): Danco Restaurants, Inc.  
HEARING: TUESDAY, JUNE 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse.  
Variance to permit 2 free-standing advertising signs with a total area of 230 square feet in lieu of the maximum permitted 100 square feet.  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY  
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County  
Department of Permits and  
Development Management  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
October 23, 1995  
NOTICE OF REASSIGNMENT  
Continued from 6/6/95  
CASE NUMBER: 95-388-A (Item 382)  
8241 Perry Hall Boulevard  
White Marsh, Lot 1K  
E/S Perry Hall Boulevard, 1395' N of Honeygo Boulevard  
15th Election District - 6th Councilmanic  
Legal Owner(s): Danco Restaurants, Inc.  
Variance to permit 2 free-standing advertising signs with a total area of 230 square feet in lieu of the maximum permitted 100 square feet.  
HEARING: FRIDAY, NOVEMBER 3, 1995 at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson MD 21204  
Arnold Jablon, Director  
cc: Danco Restaurants, Inc.  
Larry Frances, Esq.  
Jeff Long  
Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
June 1, 1995  
Mr. Harvey Rothstein  
Danco Restaurants, Inc.  
1657 Crofton Blvd.  
Crofton, Maryland 21114  
RE: Item No.: 382  
Case No.: 95-388-A  
Petitioner: H. Rothstein, et al  
Dear Mr. Rothstein:  
The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 27, 1995.  
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.  
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).  
Sincerely,  
W. Carl Richards, Jr.  
Zoning Supervisor  
WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
TO: Arnold Jablon, Director DATE: May 22, 1995  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for May 15, 1995  
Item No. 382  
The Developers Engineering Section has reviewed the subject zoning item. As shown on the plan, the proposed sign is located in an existing 50-foot wide drainage and utility easement. Within this easement is an 84-inch drain pipe and its headwall. The proposed sign, as shown, conflicts with the existing headwall.  
Baltimore County Policy prohibits the construction of a permanent structure within an existing drainage and utility easement.  
RWB:sw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management  
FROM: Pat Keller, Director  
Office of Planning and Zoning  
DATE: May 10, 1995  
SUBJECT: 8241 Perry Hall Boulevard  
INFORMATION:  
Item Number: 382  
Petitioner: Danco Restaurants, Inc.  
Property Size:  
Zoning: BM-CT  
Requested Action: Variance  
Hearing Date: / /  
SUMMARY OF RECOMMENDATIONS:  
The applicant requests a Variance to permit two freestanding signs with a total area of 230 sq. ft. in lieu of 100 sq. ft.  
Based upon a review of the information provided and a site inspection, staff recommends that the applicant's request be denied for the reasons as follows:  
It is clear that the petitioner, Danco Restaurants, Inc. has applied for the Variance because they have been "forced to do so by the Rouse Company's architectural review committee."  
Providing brick to surround the sign would only make the sign appear to be larger and such treatment would be out of character with the high quality existing signage treatment in the White Marsh Town Center.  
Staff suggests that the applicant consider treating the existing sign with a brick base incorporated with landscaping. There are several examples of signs such as this throughout the White Marsh Town Center.  
Prepared by: Jeffrey M. Long  
Division Chief: Edging  
PK/JL  
ITEM382/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE  
TO: ZADM DATE: 5/14/95  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 5/14/95  
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:  
Item #'s: 378  
379  
380  
381  
382  
385  
386  
389  
391  
LS:sp  
LETTY2/DEPRM/TXTSPB





Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

5-9-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 382 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

BALTIMORE COUNTY, MARYLAND  
Inter-office Correspondence

TO: Memo to the file DATE: June 7, 1995

FROM: Lawrence E. Schmidt  
Zoning Commissioner

SUBJECT: Case No. 95-388-A

This case was scheduled for hearing on June 6, 1995 at 9:00 A.M. At that time, Larry Frances, Esquire appeared on behalf of the Petitioner, as did Chris Ewing from Davco Restaurants, Inc. That corporation is the holding company for Wendy's Restaurants. Counsel indicated, at that time, that they had just received copies of the ZAC comments and had just become aware of the adverse comments/concerns from the Office of Planning and Zoning and Developers Engineering. They asked for a continuance of the case in an attempt to contact Bob Bowling and Jeff Long to work out the issues.

No one appeared in opposition. Thus, I began the case on the record and continued same. It will not be necessary to repost and readvertise the property since the hearing was begun, and has been continued, and not technically postponed.

I advised the Petitioner that they should contact this office when they had reached resolution of the issues with OPZ and Developers Engineering. At that time, we will reset the date for a continued hearing.

LES:mmm  
cc: Gwen Stephens  
P.S. to Gwen:

We will hold the file in our office until we hear from Petitioner's attorney.

*Call Mr. Frances  
9/6/95  
letter will follow  
in status of this case*

PETITION PROBLEMS  
AGENDA OF MAY 8, 1995

#380 — JCM

1. Need typed or printed name of person signing for legal owner.
2. Need attorney (company is incorporated).
3. No existing zoning on folder.
4. No area on folder.
5. No election district on folder.
6. No councilmanic district on folder.

#381 — MJK

1. No signature on petition forms for Donald E. Grempler (legal owner).

#382 — JLL

1. Need attorney (company is incorporated).

#383 — JLL

1. No item number on petition forms

#384 — JCM

1. Who is legal owner?? William McMillan, Jr. is trustee for who?
2. Need authorization for Mr. McMillan to sign for legal owner.

#385 — CAM

1. No telephone number for legal owner.

#386 — CAM

1. Need authorization for Margaret Ruggieri to sign for contract purchaser.

#387 — RT

1. No telephone number for legal owner.

#489 — JJS

1. Need typed or printed name of person signing for legal owner.

RE: PETITION FOR VARIANCE \* BEFORE THE  
8241 Perry Hall Boulevard (White Marsh, \* ZONING COMMISSIONER  
Lot 1K), E/S Perry Hall Blvd. 1395' N of \*  
Honeygo Boulevard, 15th Election Dist., \* OF BALTIMORE COUNTY  
6th Councilmanic \*  
Davco Restaurants, Inc. \* CASE NO. 95-388-A  
Petitioners \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3/5 day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Chris Ewing, Davco Restaurants, Inc., 1657 Crofton Blvd., Crofton, MD 21114, representative for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

Attorneys at Law  
MULRENIN & HUBBARD, P.A.  
2661 Riva Road  
Suite 1001  
Annapolis, Maryland 21401  
(410) 573-5005  
(301) 261-8148  
Fax: (410) 224-6539

Writer's Direct Dial Number:  
410-573-2484

October 2, 1995

VIA FACSIMILE AND U.S. MAIL  
Honorable Lawrence E. Schmidt  
Baltimore County Zoning Commissioner's Office  
400 Washington Avenue  
Room 112  
Towson, Maryland 21204

Re: DavCo/Wendy's  
White Marsh, MD - Lot 1K  
Continuation of sign variance hearing  
Case No. 95-388-A (Item 382)

Dear Commissioner Schmidt:

DavCo Restaurants, Inc., v/a Wendy's Restaurants, and The Rouse Company have finally agreed upon a sign design for the above referenced site. Mr. Jeff Long of the planning department has approved this design. Therefore, we request you please schedule a continuation of the above referenced hearing. If possible, because of the religious holidays and other prior commitments, DavCo respectfully requests a hearing date late October or early November.

We apologize for the length of time it has taken us to work this issue out and to schedule this continuation. If you have any questions or comments, please do not hesitate to call. Thank you.

Sincerely,

*Larry J. Frances*  
Larry J. Frances

cc: Mr. Chris Ewing

Attorneys at Law  
MULRENIN & HUBBARD, P.A.  
2661 Riva Road  
Suite 1001  
Annapolis, Maryland 21401  
(410) 573-5005  
(301) 261-8148  
Fax: (410) 224-6539

Writer's Direct Dial Number:  
410-573-2484

October 2, 1995

VIA FACSIMILE AND U.S. MAIL  
Honorable Lawrence E. Schmidt  
Baltimore County Zoning Commissioner's Office  
400 Washington Avenue  
Room 112  
Towson, Maryland 21204

Re: DavCo/Wendy's  
White Marsh, MD - Lot 1K  
Continuation of sign variance hearing  
Case No. 95-388-A (Item 382)

Dear Commissioner Schmidt:

DavCo Restaurants, Inc., v/a Wendy's Restaurants, and The Rouse Company have finally agreed upon a sign design for the above referenced site. Mr. Jeff Long of the planning department has approved this design. Therefore, we request you please schedule a continuation of the above referenced hearing. If possible, because of the religious holidays and other prior commitments, DavCo respectfully requests a hearing date late October or early November.

We apologize for the length of time it has taken us to work this issue out and to schedule this continuation. If you have any questions or comments, please do not hesitate to call. Thank you.

Sincerely,

*Larry J. Frances*  
Larry J. Frances

cc: Mr. Chris Ewing

*man ask given to reset as requested above JJS*

TOTAL P. 02

H0

302

There is now additional (50 sq ft area) single faced corner board sign (freestanding) that is not shown in detail. The applicant was advised that this was also a F.S. advertising sign which must be included in the 100 sq ft max total. This was done in the petition wording. I advised presentation of the detail of this sign was part of the case.

*JLL*

4/27/95

Also App is done. Addressed now. Atty is required to represent at hearing. They have not selected one at this time.

*Chris Ewing*  
4/27/95

- case can't  
to be re-set at  
request







